

Art Unit: 1648

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gloria Szakiel on December 3, 2009.

The application has been amended as follows:

Claims 4-17 have been canceled.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

Applicants' amendments to the claims have overcome the 35 U.S.C. 103(a) rejection of record. Applicants' arguments see pages 5-9, filed November 2, 2009, with respect to claims 1-3 have also been fully considered and are persuasive.

In, summary, the prior art teaches an attenuated RSV strain that yields surface glycoprotein F. Although the prior art teaches the properties of RSV A2 strain and culturing RSV in eukaryotic cell culture at 37°C, the prior art does not teach or suggest growing RSV at 30°C wherein at least a five-fold increase in glycoprotein F is produced and must be identified.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1648

Conclusion

3. Claims 1, 2, 3 and 19 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHARON HURT whose telephone number is 571-272-3334. The examiner can normally be reached on M - F 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Mondesi can be reached on 571-272-0956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sharon Hurt/
Examiner, Art Unit 1648
9 December 2009

/Robert B Mondesi/
Supervisory Patent Examiner,
Art Unit 1645